

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

FISCAL YEAR 2013-2014 BUDGET HEARINGS – TO BE HELD IN THE COUNCIL CHAMBERS (SUBJECT TO CHANGE)

Please Note: *Department budgets will generally be considered as listed below starting with the initial public hearing and continuing until council adopts the budget. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.*

June 10-	10:00 A.M.	Mayor-Budget Presentation; General Fund Overview; Personnel; Finance; General City Purpose; FYI; Convention Center; Information Services
June 11-	8:30 A.M.	PARCS; Fire; Police; FAX; Public Works; Public Utilities
June 12-	8:30 A.M.	DARM; CDBG, HOME, NSP, ESG; City Clerk City Attorney; Mayor/CMO
June 13-	8:30 A.M.	Council Meeting-No Budget Hearings
June 14-	8:30 A.M.	Budget Overflow; All Requests/Questions to Administration
June 17-	8:30 A.M.	Administration to Respond to all Council Questions by this Date
June 18-	8:30 A.M.	Final motions by Council; Council vote on Motions
June 19-	8:30 A.M.	Budget Overflow; Final Motions; Council vote on Motions
June 20-	1:30 P.M.	Council Meeting-No Budget Hearings
June 21-	1:30 P.M.	Budget Overflow; Council vote on Motions
June 28-	8:30 A.M.	Final Day to Approve Budget
June 30-	8:30 A.M.	Balance Budget Required by Charter

May 23, 2013

8:30 A.M. ROLL CALL

Invocation by Reverend Konghtxoujh Mitt Moua

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "ST. BALDRICK'S DAY" – Councilmember Brand – **Read and presented**

Proclamation of "ANGELO STALIS DAY" – Mayor's Office – **Read and presented**

Proclamation of "MARITIME DAY" – Mayor's Office – **Read and presented**

Presentation by Penny Raven regarding Centennial Celebration of Huntington Boulevard Trees – Councilmember Quintero – **Presentation made**

[Presentation of P.R.I.D. E. Team Certificates for the Spring Quarter](#) (*Reception immediately following - 2nd floor foyer*) - **Presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least **24 hours prior** to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

9:30 A.M. SCHEDULED COMMUNICATION –

1. [Appearance by Jeff Roberts to request a hearing be set for June 6 2013, to determine if the home and landscaping at the northwest corner of N. Armstrong Avenue and E. Clinton qualifies for the Fresno Local Register of Historic Places](#) – **Request to appear withdrawn/matter resolved**

Approve Council Minutes of [May 9, 2013](#)

Action Taken: **Approved**

Approve [Joint Powers Financing Authority \(JPFA\)](#) and [City of Fresno Cultural Arts Properties Corporation \(COFCAP\)](#) minutes of May 9, 2013 - Members Baines, Swearingin and Xiong only

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **Reports made**

Approve Agenda

Action Taken: **Approved, as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve a cooperative agreement with County of Fresno for the conversion of Fruit Avenue from four (4) lanes to three (3) lanes with bike lanes from Shaw Avenue to Herndon Avenue (*Property located in District 2*) – Public Works Department
Action Taken: Denied
- B. Approve amendments to two (2) agreements with the California High-Speed Rail Authority (CHSRA) related to development of a master cooperative agreement and an architectural services contract (*Property located in Districts 1, 2 & 3*) – Public Works Department
Action Taken: Approved
- C. Actions pertaining to the transfer and/or exchange of water year 2013 Central Valley Project (CVP) – Department of Public Utilities
1. Adopt findings that the proposed agreements are not a “Project” within the Public Resources Code Section 21803 (California Environmental Quality Act Guidelines Section 15375) and that National Environmental Quality Act compliance is complete based upon the United States Bureau of Reclamation’s Adopted “Finding of no Significant Impact” covering the Water Recapture Program for water year 2013-2017, “Finding of no Significant Impact” covering the accelerated Transfer Program for Friant Division and Cross Valley Central Valley Project contractors, 2011-2015 and “Finding of no Significant Impact” covering the increase in quantity for the Friant Division and Cross Valley Accelerated Water Transfer Program, 2011-2015
Action Taken: Adopted
 2. Authorize the Director of Public Utilities or his designee to negotiate and enter into five agreements on behalf of the City of Fresno for the transfer and/or exchange of water year 2013 Central Valley Project (CVP) contract water and recaptured San Joaquin River Restoration Water subject to City Attorney approval as to form
Action Taken: Authorized
- D. Actions pertaining to the new manhole access sewer structures (*Property located in Districts, 2, 3, 4 and 7*) – Department of Public Utilities
1. Adopt a finding of Class 3 and 4 Categorical Exemptions pursuant to Section 15303(d) (new construction or conversion of small structures) and 15304(f) (Minor Alterations to land) of the California Environmental Quality Act Guidelines
 2. Award a \$225,430.00 contract to Floyd Johnston Construction Company, Inc. of Clovis, California
 3. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken: Removed from the agenda
- E. Award a contract in the amount of \$187,000 to Steve Dovali Construction for the construction of well site improvements at Pump Station 15B located at 3420 E. Clay Avenue (*Property located in District 7*) - Department of Public Utilities
Action Taken: Awarded
- F. Award a contract in the amount of \$331,278.50 to Roadrunner Drilling & Pump Company, Inc. for the drilling and development of a production well at Pump Station 250A located at 4701 N. Effie Street (*Property located in District 4*) – Department of Public Utilities
Action Taken: Awarded
- G. **RESOLUTION** - Dedicating portions of that certain City-owned property located at the southwest corner of W. Herndon and N. Brawley Avenues as easements for public street purposes and an easement for public pedestrian walkway purposes (*Property located in District 2*) – Public Works Department
Action Taken: Resolution No. 2013-68 adopted

1. **CONSENT CALENDAR CONTINUED**

- H. Approve contract service agreement with the San Joaquin River Conservancy (SJRC) for the Parks, After School, Recreation and Community Services (PARCS) Department Life and Environmental Science program - PARCS
Action Taken: Approved
- I. Actions pertaining to a parking agreement between City of Fresno and Internal Revenue Service for employee parking (***Property located in District 3***) – Development and Resource Management Department
1. Adopt a Finding of Categorical Exemption per staff determination pursuant to Article 19, Section 15301 Class 1 (existing facility) of the California Environmental Quality Act guidelines for parking agreement with Internal Revenue Service
Action Taken: Adopted
 2. Authorize the sixth amendment to the parking agreement between City of Fresno and Internal Revenue Service for employee parking in the boxcar parking lot at 1309 H Street in downtown Fresno
Action Taken: Authorized
- J. **BILL - (*For introduction*)** - Amending Subsection (d) of Section 6-309 and amending Section 6-318 of the Fresno Municipal Code related to acceptance of hauled liquid waste at approved disposal facilities – Department of Public Utilities
Action Taken: Bill No. B-14 introduced/laid over
- K. * **BILL NO. B-13– (*Intro. 5/9/2013*) (*For adoption*)** - Annual amendment to Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to local sales and use taxes, pursuant to the Memorandum of Understanding (MOU) with Fresno County – Finance Department
Action Taken: Ordinance No. 2013-13 adopted

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the Sugar Pine Trail pedestrian undercrossing at Shepherd Avenue (***Property located in District 6***) – Public Works Department
1. Adopt finding of a Categorical Exemption per Staff Determination, pursuant to Class 1 Section 15301 (existing facilities) of the CEQA Guidelines for the Sugar Pine Trail pedestrian undercrossing at Shepherd Avenue
Action Taken: Adopted
 2. Award a construction contract with Floyd Johnston Construction of Clovis in the amount of \$1,478,349 for the Sugar Pine Trail pedestrian undercrossing at Shepherd Avenue and authorize the Public Works Director, or his designee, to sign the contract on the City's behalf
Action Taken: Awarded
- B. Actions pertaining to the North Fresno Wastewater Reclamation Facility Disinfection Replacement Project (***Property located in District 6***) – Department of Public Utilities
1. Adopt a finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301 (b) (Existing Facilities), 15301 (d) (Restoration or Rehabilitation), and 15302 (c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines
Action Taken: Adopted
 2. Bypass C. Overaa and Co. of Richmond, CA. as non-responsive
Action Taken: Bypassed
 3. Award a \$1,168,600 contract to WM Lyles Co., of Fresno, California
Action Taken: Awarded
 4. Authorize the Director of Public Utilities or his designee to sign the agreement on behalf of the City
Action Taken: Authorized

3. **CITY COUNCIL**

- A. **RESOLUTION** - To declare 2013 "The Year of the Child" – Council President Xiong and Councilmember Baines

Action Taken: Resolution NO. 2013-69 adopted

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

Case Name(s):

1. City of Fresno v. 21st District Agricultural Association Fresno County Superior Court Case No. 11CECG02381
2. County of Madera, a California General Law County v. City of Fresno, a California Charter City; Fresno City Council, a legislative body and Does 1-20, inclusive (The John Allen Company, LLC., a California limited liability company, and Does 21-100, inclusive, real parties in Interest) Fresno County Superior Court Case No.: 13CECG00807

Action Taken: Held

- B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION-** Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Pacific Gas and Electric Company v. City of Fresno

Action Taken: Held

- C. **CONFERENCE WITH LABOR NEGOTIATOR –** Government Code Section 54957.6

City Negotiator(s): Bruce Rudd, Ken Phillips

Employee Organizations:

1. Fresno Police Officers Association (FPOA Basic)
2. Fresno Police Officers Association (FPOA Management)

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2006-20) (**Property located in District 2**) (N. Figarden Drive and N. Gates Avenue) – Public Works Department

Action Taken: Held

- a. **RESOLUTION** – Annexing territory to community Facilities District No. 9 and authorizing the levy of a special tax

Action Taken: Resolution NO. 2013-70 adopted

- b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken: Resolution NO. 2013-71 adopted

- c. **RESOLUTION** – Declaring election results

Action Taken: Resolution NO. 2013-72 adopted

- d. * **BILL** – Levying a special tax for the property tax year 2012-2013 and future years with and relating to Community Facilities District No. 9, Annexation No. 4

Action Taken: Bill No. B-15/Ordinance No. 2013-14 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M.

JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

- A. Successor Agency Board, City Council and Fresno Revitalization Corporation Board consider approving: *(Property located in District 3)*
1. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for demolition and clearance of 2504/2522 Ventura Street, located in the Convention Center Redevelopment Area; and
Action Taken: Adopted
 2. Award a contract to Kroeker Inc as the lowest responsive and responsible bidder for the demolition and clearance of 2504/2522 Ventura Street, located in the Convention Center Redevelopment Area
Action Taken: Awarded

ADJOURN AGENCY

1:30 P.M.

HEARING to consider Rezone Application No. R-11-004 and environmental findings, filed by Marstel Investments, pertaining to approximately 1.86 acres of property located on the west side of N. Maroa Avenue, south of W. Barstow Avenue *(Property located in District 2)* – Development and Resource Management Department

- a. Consider and adopt the environmental finding of a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND prepared for Environmental Assessment No. R-11-004/C-11-058 dated March 1, 2013
Action Taken: Adopted
- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-1-B *(Single Family Residential, minimum 12,500 square foot lot size)* zone district to the R-1 *(Single Family Residential)* zone district
Action Taken: Bill No. B-16/Ordinance No. 2013-15 adopted

1:45 P.M.

WORKSHOP relating to the update on First 5 Fresno County's building project, Lighthouse for Children – Council President Xiong and Councilmember Baines - **Held**

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	30 -	NO MEETING - MEMORIAL DAY	
June	6 -	10:00 A.M.	HEARING to adopt resolutions and ordinance amending the annex territory, changing the services and the rate and method of apportionment and setting a new maximum special tax for Community Facilities District No. 11, Annexation No. 31 (Final Tract Map No. 5358) (Property located in District 2) (north side of Spruce to the River Bluff, between Riverside and Thiele)
June	6 -	10:15 A.M.	HEARING re: Proposition 218 Water Rates
June	6 -	10:30 A.M.	HEARING re: Rezone Application No. R-13-001, filed by Bill Robinson of Sol Development
June	13 -	8:30 A.M.	MEETING
June	20 -	1:30 P.M.	MEETING
June	27 -	8:30 A.M.	MEETING
July	4 -	COUNCIL VACATION	
July	11 -	COUNCIL VACATION	
July	18 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 5 (Final Parcel Map No. 2011-10) (Property located in District 1) (east side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues)
July	18 -	10:15 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) (Property located in District 5) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
July	18 -	10:30 A.M.	HEARING re: Rezone Application No. R-13-004, filed by Bradley Stienberger
July	25 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) (Council District 1) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue)

UPCOMING EMPLOYEE CEREMONIES

Aug.	22 –	8:30 A.M.	Presentation of P.R.I.D. E. Team Certificates for the Summer Quarter (Reception immediately following - 2nd floor foyer)
Oct.	23 – (Weds.)	2:00 P.M.	Employee Service Awards Ceremony (Reception immediately following - 2nd floor foyer)